

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 05-387
)	
THOMAS THORNTON)	

MEMORANDUM AND ORDER OF COURT

Presently before the court is a *pro se* "Letter of Intent to Request Re-sentencing in light of Proposed Bill S.2123, Sentencing Reform Act" filed by Thomas Thornton ("defendant"), which the court will construe as a motion to reduce sentence. Because Proposed Bill S.2123 has not been passed into law, defendant's motion will be denied without prejudice.

On June 23, 2005, a grand jury returned a one-count indictment charging petitioner with possession of a firearm by a convicted felon in violation of 18 U.S.C. §922(g)(1) and §924(e). After waiving his right to a trial by jury, defendant proceeded to a bench trial before then-District Judge Thomas M. Hardiman. Defendant was found guilty and subsequently was sentenced on October 26, 2006, to a term of imprisonment of 180 months, the statutory minimum under 18 U.S.C. §§922(g)(1) and 924(e).

On December 16, 2015, defendant filed the pending motion in which he requests that he be re-sentenced to a term of imprisonment of "no more than eleven (11) years" which would give him "immediate release." In support, defendant relies on S.2123 – Sentencing Reform and Corrections Act of 2015, a bill introduced in the United States Senate on October 1, 2015, by Senator Chuck Grassley (R.-IA), which, *inter alia*, would "reduce[] the enhanced mandatory minimum prison term for certain defendants who ... unlawfully possess a firearm after three or more prior convictions." The bill also would permit "retroactive application of such reductions, after a court considers certain factors."

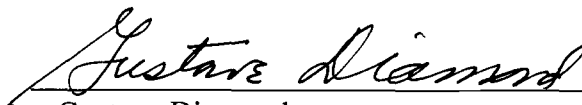
Defendant's request for relief is premature. In order for defendant to be entitled to seek relief on the asserted ground, S.2123 first would have to become law by being passed by both the Senate and the House of Representatives and then being signed by the President of the United States. To date, the bill only has been introduced and reported to the Senate Committee on the Judiciary, and placed on the Senate Legislative calendar. See <https://www.congress.gov/bill/114th-congress/senate-bill/2123>.

Accordingly, defendant's motion to reduce sentence will be denied without prejudice to defendant's right to seek relief when, or if, S.2123 is signed into law.

An appropriate order will follow.

ORDER

AND NOW, this 6th day of January, 2016, for the reasons set forth in the memorandum above, IT IS ORDERED that petitioner's *pro se* Motion to Reduce Sentence (Document No. 83), be, and the same hereby is, denied without prejudice.



Gustave Diamond
United States District Judge

cc: Thomas Thornton